

UNITED STATES OF AMERICA,

Plaintiff,

vs.

TIMOTHY HERRON,

Defendant.

and (3) Defendant has asserted a colorable claim for relief cognizable under § 2255(a). Upon consideration of the motion and the record of prior proceedings, the Court determines that the United States Attorney should file a response to Defendant's allegations.

The Court will direct that the United States file an answer or other responsive pleading to the Amended Section 2255 Motion to Vacate within sixty (60) days. Defendant may file a reply to the United States' response pursuant to Rule 5(d) of the Rules Governing Section 2255 Proceedings. The Court orders that any such reply must be filed within twenty-one (21) days of the filing of the United States' response.

IT IS, THEREFORE, ORDERED that:

1. The Clerk is instructed to modify the text of the Court's docket to show that Docket Entry 60 is the original Motion to Vacate, and Docket Entry 59 is the superseding Amended Motion to Vacate.
2. The United States Attorney shall file an answer or other responsive pleading to Defendant's Amended Motion to Vacate, Set Aside, or Correct Sentence [Doc. 59] no later than **sixty (60) days** from the date of this Order.
3. Any reply filed by Defendant must be filed within **twenty-one (21) days** of the United States' response.

Signed: April 4, 2024



Robert J. Conrad, Jr.
United States District Judge

